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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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OCT 16 2001

AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION)
OF SUN CITY WATER COMPANY AND) DOCKET NO. W-01656A-98-0577
SUN CITY WEST UTILITIES COMPANY) DOCKET NO. ~~SW~~-02334A-98-0577
FOR APPROVAL OF CENTRAL) *WS*
ARIZONA PROJECT WATER) SUN CITY TAXPAYERS
UTILIZATION PLAN AND FOR AN) ASSOCIATION'S OPPOSITION TO
ACCOUNTING ORDER AUTHORIZING A) REQUEST TO FILE LATE-FILED
GROUNDWATER SAVINGS FEE AND) TESTIMONY
RECOVERY OF DEFERRED CENTRAL)
ARIZONA PROJECT EXPENSES.)

On October 5, 2001, William G. Beyer on behalf of the "CAP Task Force" requested permission to file "additional testimony" in response to the Sun City Taxpayers Association's (the "Association") filing of Surrebuttal Testimony. The Association objects to the request for the following reasons.

First, the CAP Task Force is not a duly organized entity. It has no articles of incorporation, no bylaws, nor any charter. As one of the participants in the CAP Task Force, the Association is unaware of any meetings of the Task Force since the publication of a Final Report in or about June of 1998. Certainly, the Association has received no notice of such meetings. The continued use of the nomenclature CAP Task Force as a shield to the actual parties being represented by Mr. Beyer is objectionable. If Mr. Beyer has specific clients on whose behalf he wishes to participate, they should seek to intervene in their own name.

1 Second, the procedure for submitting testimony has been known to Mr.
2 Beyer and his clients since at least June 5, 2001 when a Procedural Order setting forth
3 the procedure for filing testimony was entered in this matter. The Association's
4 Surrebuttal Testimony merely responded to issues and arguments raised in the
5 Rebuttal Testimony of other parties. It is improper to permit any response to the
6 Surrebuttal, especially by an entity that filed no Rebuttal Testimony in the first place.
7

8 Third, while the postponement of the hearing may logistically make it
9 possible to file additional testimony, the mere fact that the hearing has been postponed
10 is not a basis to change the fundamental schedule for submitting testimony.

11 Fourth, in the event the request is granted, the Association and the
12 Residential Utility Consumer Office must be afforded an opportunity to file
13 responsive testimony.

14 For the foregoing reasons, the request to file additional testimony
15 (which in reality is initial testimony) is not well taken and should be summarily
16 denied.

17 Respectfully submitted this 16th day of October, 2001.

18 MARTINEZ & CURTIS, P.C.

19
20 By: 

21 William P. Sullivan
22 Paul R. Michaud
23 2712 North Seventh Street
24 Phoenix, Arizona 85006-1090
25 Attorneys for Sun City Taxpayers
26 Association

1 Original and ten (10) copies filed this 16th day of October, 2001 with:

2 Docket Control
3 Arizona Corporation Commission
4 1200 West Washington
5 Phoenix, Arizona 85007

6 Copies of the foregoing hand-delivered this 16th day of October, 2001 to:

7 Christopher Kempley, Chief Counsel
8 Janet Wagner, Staff Counsel
9 Legal Division
10 Arizona Corporation Commission
11 1200 West Washington
12 Phoenix, Arizona 85007

Steve Olea, Director
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

13 Dwight Nodes, Administrative Law Judge
14 Arizona Corporation Commission
15 1200 West Washington
16 Phoenix, Arizona 85007

17 Copies of the foregoing mailed this 16th day of October, 2001 to:

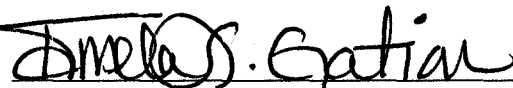
18 Jane Rodda, Administrative Law Judge
19 Hearing Division
20 Arizona Corporation Commission
21 400 West Congress
22 Tucson, Arizona 85701-1347

Mr. Walter W. Meek, President
Arizona Utility Investors Association
2100 North Central Avenue
Suite 210
Phoenix, Arizona 85004

23 Michael M. Grant, Esq.
24 Todd C. Wiley, Esq.
25 Gallagher & Kennedy, P.A.
26 2575 East Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for Citizens Communications
Company

William G. Beyer, Esq.
5632 W. Alameda Road
Glendale, Arizona 85310
Attorney for CAP Task Force

Scott Wakefield, Esq.
RUCO
2828 North Central Avenue
Suite 1200
Phoenix, Arizona 85004



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